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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PCT/DO/EO
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In re U.S. Patent Application

Attorney Docket: KOLB3002/JEK

Alexander KOLBECK et al.

Serial Number: 09/926,792

Filed: December 20, 2001

For: METHOD FOR OPERATING A PORTABLE DATA CARRIER CONFIGURED
FOR EXECUTING RELOADABLE FUNCTIONAL PROGRAMS

PETITION UNDER 37 C.F.R. § 1.47(a) and 1.497(b)(2)

Commissioner for Patents
Washington, D.C. 20231

Sir:

The inventor **Alexander Kolbeck** refuses to execute a Declaration for this application despite efforts to obtain such execution. A co-inventor, Mr. Dieter Weiss of Munich, Germany has executed this application on behalf of the inventor Alexander Kolbeck. Acceptance of the Declaration executed by a co-inventor pursuant to 37 C.F.R. § 1.47(a) and 1.497(b)(2) is requested.

Acceptance of the Declaration executed by the co-inventor on behalf of the inventor is needed to prevent irreparable damage that would result otherwise.

The last known address of the inventor Alexander Kolbeck is as follows:

07/31/2002 5:43:00 PM 00000126 09926792

04 FC:122

130.00

Alexander Kolbeck,
Merowingerstraße 12
D-82362 Weilheim
Germany

Giesecke & Devrient GmbH, (G&D) a German company located in Munich, Germany, owns full right, title and interest in and to this application because G&D was the employer of the inventor Alexander Kolbeck at the time the invention was made and the inventor had an obligation to assign such invention and application to G&D. The

original PCT application number PCT/EP00/05795 of which this application is the U.S. National Stage names Giesecke & Devrient GmbH as Applicant, further evidencing ownership of all rights in this application by G&D. A copy of the REQUEST page of the international application number PCT/EP00/05795 is appended hereto as Exhibit A. Also, deeds of assignments (recordal pending) executed by all co-inventors other than Mr. Kolbeck are appended hereto as Exhibit B, further evidencing G&D's rights in this application.

Representatives of Giesecke & Devrient, attempted to obtain the signature of Mr. Kolbeck originally on April 3, 2002 via a registered mail letter, return certificate requested, and received confirmation that Mr. Kolbeck indeed received this letter on April 5, 2002. A translated copy of this letter and the receipt for same can be provided in support of this petition.

Subsequently, another certified mail reminder was sent to Mr. Kolbeck by Giesecke & Devrient on June 24, 2002 and the receipt showed a signature apparently of a Ms. Kolbeck dated June 26, 2002.

A representative of Giesecke & Devrient, Mr. Branzka attempted to telephone Mr. Kolbeck on June 28, 2002, but only reached the automatic voice mail device of Mr. Kolbeck. A statement of Mr. Branzka to this effect may be furnished if necessary.

On July 2, 2002, another reminder was mailed to Mr. Kolbeck. On the same day, Mr. Branzka spoke with Ms. Kolbeck by telephone and then later directly with Mr. Kolbeck, the inventor, at which time Mr. Kolbeck promised to send the signed documents. A statement from Mr. Branzka to this effect can be furnished.

On July 5, 2002, Mr. Branzka again phoned Ms. Kolbeck reminding her that the documents had not yet been received. No further contact with Mr. Kolbeck has occurred. A statement from Mr. Branzka and the patent department of Giesecke & Devrient to this effect can be furnished.

Under the circumstances, after July 5, 2002 Giesecke & Devrient reasonably believed that Mr. Kolbeck did not intend to sign and return the Declaration for the present application and was aware that a non-extendable deadline for submitting a

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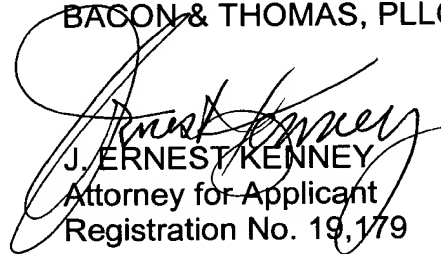
signed Declaration was approaching. Accordingly, Giesecke & Devrient as owner determined that it would be necessary to obtain execution of the Declaration for this application pursuant to 37 C.F.R. § 1.47(a) to prevent irreparable damage that would arise if this application became abandoned.

The fee required under rule 1.17(h) accompanies this Petition. Please charge any fee that may be required or refund any overpayment to Deposit Account No. **02-0200**.

It is respectfully submitted that the application now meets all requirements for entry in the U.S. national phase and acknowledgment of same is respectfully requested.

Respectfully submitted,

BACON & THOMAS, PLLC


J. ERNEST KENNEY
Attorney for Applicant
Registration No. 19,179

Date: July 29, 2002



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